



U.S. Department of Energy
Office of Inspector General
Office of Audits and Inspections

SPECIAL REPORT

The Department of Energy's Management of
Electronic Mail Records

DOE/IG-0945


September 2015



Department of Energy
Washington, DC 20585

September 3, 2015

MEMORANDUM FOR THE SECRETARY

FROM: 
Gregory H. Friedman
Inspector General

SUBJECT: INFORMATION: Special Report: "The Department of Energy's Management of Electronic Mail Records"

BACKGROUND

Under requirements established by the National Archives and Records Administration (NARA), agencies must develop and implement policies to ensure that all information defined as "Federal records," specifically including electronic mail (email), are maintained in agency recordkeeping systems. Failure to appropriately identify and manage email as records impairs the agencies' ability to respond to the requirements of various statutes and obligations, including the *Freedom of Information Act*, discovery in litigation, law enforcement efforts, and maintenance of historical records of Departmental activities.

The Office of Inspector General's *Follow-up Audit on Retention and Management of the Department of Energy's Electronic Records* (DOE/IG-0838, September 2010) identified issues with the Department's electronic records management process. In particular, the review found that the Department had not included Federal requirements in its recordkeeping policies and guidance, considered records management to be a low priority, and had not properly trained its employees to identify and maintain electronic records. In 2012, the Office of Management and Budget issued direction to Federal agencies to manage all email records using an automated software application by the end of 2016. In light of the Department's previous weaknesses in this area and the upcoming deadline for records management implementation, we initiated this review to determine whether the Department effectively managed its Federal email records.

RESULTS OF REVIEW

We determined that the Department was not effectively managing its Federal email records. Our conclusion is based on our review of the processes in place at seven Department programs and three field sites. We found that:

- The Department, including its National Nuclear Security Administration, had not implemented a process to ensure that email records were identified and managed in accordance with Federal requirements. With one notable exception, all of the programs and sites reviewed relied on users to identify and retain email records. Although NARA permitted agencies to rely on users to identify and maintain records, our review concluded that various individuals, including senior Department officials, were not adequately familiar with NARA requirements for identifying and retaining records. In most cases,

users were unaware that they were even responsible for identifying which emails should be retained as records. The relatively widespread lack of user awareness significantly limits the Department's ability to ensure that appropriate email records are identified and maintained.

- The Department also had not effectively implemented the archival and retrieval process related to email records. Specifically, the methods and timeframes for archival and retrieval were often inconsistent and, as a result, limited the Department's ability to manage its email. Notably, the Office of the Chief Information Officer – which manages email services for numerous programs – had not established an effective mechanism for retaining email records. To be clear, under existing policies recovery of email may be possible for varying periods of time, however, the process would be very difficult and cost prohibitive.
- Furthermore, the Department had not fully addressed the use of personal email accounts to conduct government business. Department officials noted that guidelines within which employees could send or receive work-related email from their personal accounts had not been established, making archival and retrieval of potential records difficult or impossible.

These issues occurred, in part, because the Department's approach to records management lacked coordination among programs. Despite recent concerns regarding email records retention, effective records management had not been treated as a priority. For instance, there was significant confusion among the Office of the Chief Information Officer and Department programs as to which organizations were responsible for managing email records. In addition, employees had not always received training or direction related to their responsibilities for ensuring that Federal records were identified and managed. Furthermore, although software applications which can help organizations manage email records are supposed to be in place by the end of 2016, we found that only one of the programs and sites reviewed had implemented this type of application to date.

To its credit, the Office of Energy Efficiency and Renewable Energy (EERE) had already implemented an automated records management solution that was used to manage its email records. Program officials reported that the application – which identifies, sorts, and stores records without the necessity of intervention from the end user – has been very successful since its implementation. EERE's proactive records retention activities were commendable and should serve as a guide for the rest of the Department. Without additional effort by all of its programs and sites, the Department will continue to experience difficulties in expanding its records management program to fully include electronic records. We have made several recommendations that, if fully implemented, should assist the Department in meeting records management requirements related to its sizable amount of email traffic.

Because of the extent of policy weaknesses and the lack of understanding by employees regarding their email retention responsibilities, we did not feel it would be productive and therefore did not test whether any particular individual's email had been properly maintained.

MANAGEMENT RESPONSE

Management concurred with the report's recommendations and indicated that corrective actions had been initiated or were planned to address the issues identified in the report. Management's comments and our responses are summarized in the body of the report. Management's formal comments are included in their entirety in Appendix 3.

Attachments

cc: Deputy Secretary
Under Secretary for Science and Energy
Administrator, National Nuclear Security Administration
Deputy Under Secretary for Management and Performance
Chief of Staff
Chief Information Officer

SPECIAL REPORT: THE DEPARTMENT OF ENERGY'S MANAGEMENT OF ELECTRONIC MAIL RECORDS

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THE DEPARTMENT OF ENERGY'S MANAGEMENT OF ELECTRONIC MAIL RECORDS

DETAILS OF FINDING

Our review focused on the management of the Department of Energy's (Department) Federal employees' electronic mail (email) records at seven programs and three field sites. Although the Department committed to fully implementing corrective actions to address the recommendations in our prior report on *Retention and Management of the Department of Energy's Electronic Records* (DOE/IG-0838, September 2010), our inquiry found that the previously identified issues related to electronic records management remained largely unresolved. All of the programs and site offices reviewed indicated that they had initiated actions to ensure that Federal records management requirements established by the National Archives and Records Administration (NARA) could be met. However, at the time of our inquiry, the Department and its programs had not always properly identified email records for management and retention in accordance with Federal requirements. In addition, the Department had not implemented fully effective methods for archiving and retrieving email messages that may represent electronic records.

Electronic Mail Records

The Department, including the National Nuclear Security Administration (NNSA), had not fully implemented a process to ensure that email records were properly identified for management and retention in accordance with NARA requirements. NARA Bulletin 2013-03 related to management of Federal records, including email accounts, required that email containing documentary evidence of various types of agency business should be identified and retained as an official agency record. Our review of seven programs and three field site offices found that it was generally each individual user's responsibility to determine if email received were records and to manage them appropriately. However, only 8 of the 53 Federal employees¹ we spoke with during our inquiry acknowledged this responsibility.

In addition, the Department's *Records Management Handbook* required that all employees preserve agency records. To support this guidance, several programs reviewed indicated that personnel were instructed to identify and provide for proper disposition of records, including email, under their control upon separation from the Department. Although such action can ensure that records held by individuals no longer employed by the Department continue to be maintained, the Department's *2014 Records Management Self-Assessment*, which was submitted to NARA by the Office of the Chief Information Officer (OCIO), indicated that this process was ambiguous and inconsistent across the Department.

We also identified two sites which continued to manage email records in hardcopy form. This process conflicted with the requirements of the *Presidential and Federal Records Act Amendments of 2014*, which required that electronic records be archived in electronic form to the maximum extent possible. In addition, the Office of Management and Budget (OMB) and NARA noted that the continued use of the "print and file" method of managing email puts

¹ Respondents from the Office of Energy Efficiency and Renewable Energy were not included in this figure as the responsibility for managing email records was managed by a software application instead of the user. The use of this application is discussed more fully later in this report.

agencies at risk of losing records, not having them available for business needs, and allegations of unauthorized destruction. Furthermore, our prior report on this subject noted that printing and saving emails as paper records is a costly and antiquated process.

Message Archival and Retrieval

In addition to the weaknesses related to identification of email records, we found that the Department had not implemented fully effective methods for archiving and retrieving email messages that may represent electronic records. Our inquiry identified varying retention periods for email messages. Although each of the programs and site offices included in our review could access messages from active email accounts, we noted that, in many cases, deleted emails were not retained. For instance, while the OCIO could retrieve current messages from user accounts at any time, it could only easily retrieve deleted messages from the email application for 14 days following deletion. As a result, if an individual deleted a message that should have been retained as a record, it would become extremely difficult to retrieve within only a matter of days. In contrast, the contractor that provided email services to Federal employees at the Pantex Plant and the Y-12 National Security Complex indicated that it retained all email for at least 5 years.

Notably, all programs and site offices retained email server backups for continuity of operations purposes. However, because of the methods used to maintain backups, officials noted that the process to restore and retrieve specific messages from the backups was arduous and resource intensive. In addition, Federal requirements prohibited backup media from being used as a recordkeeping system. Therefore, we determined that the inability to recover email coupled with the weaknesses we found related to identification of records increased the risk that the Department's email records could be lost and/or unrecoverable. In addition, the inability to archive and retrieve email records could significantly impact the Department's ability to respond to *Freedom of Information Act* requests, ongoing litigation, or law enforcement efforts.

The Department also had not fully addressed the use of personal email accounts to conduct government business. Specifically, various program officials noted that there were no controls in place within their organizations to prohibit an individual from sending or receiving work-related email from their personal non-government accounts. Although OMB and NARA permitted the use of personal email accounts to conduct agency business, they required that controls be in place to ensure that resulting records were appropriately identified and retained. Our review found that contrary to this guidance, the Department had not fully established the parameters within which such activities could be acceptably and securely achieved. As such, there was no assurance that electronic records critical to supporting agency functions were maintained in accordance with Federal regulations.

Although the practice would not completely prevent the use of private email accounts for official business, we noted that the Office of Science had taken action to reduce some of the risks associated with such practice. Notably, it asserted that system users were unable to auto-forward messages from its network's email servers to a personal email address. Citing concerns over the unauthorized or inadvertent transmission of sensitive information, the Office of Science recently issued policy strictly forbidding this practice on its network. Limited testing performed during our inquiry confirmed that messages could not be automatically redirected from the Office of Science network to a personal email account.

Contributing Factors

The issues we identified with the Department's email management practices occurred, in part, because its approach to electronic records management lacked coordination among programs and it had not made effective records management a priority. Employees also had not always received training or direction related to their responsibilities for ensuring that Federal records were appropriately identified and managed. In addition, although software applications can help organizations enhance the ability to effectively manage email records, we found that only one of the programs reviewed had implemented an automated capability for identifying and retaining email.

Coordination and Approach

We determined that a lack of coordination among programs contributed to a number of weaknesses identified during our review. For instance, there was significant confusion among the OCIO and Department programs as to which organizations were responsible for managing email records. Yet, many program officials we spoke with expressed their belief that it was the OCIO's responsibility. OCIO officials indicated that it was the programs' responsibility to manage their own records as they deemed necessary. We noted that Department Order 243.1B, *Records Management Program*, identified responsibilities for ensuring that a records management program was implemented, including the requirement that the Heads of Department Elements ensure that electronic records were appropriately maintained by the end of fiscal year 2015. However, only one of the programs reviewed was on track to meet this deadline. While officials from numerous programs commented that they were still awaiting direction from the OCIO regarding how to proceed with an implementation approach, a records management official emphasized that they did not have the authority to force the Department's programs to implement the Order. In addition, officials had not taken a coordinated approach to determining how software applications would be used to manage email records in an effort to meet pending Federal requirements. We found that many programs had either not taken any action to begin addressing the NARA requirements related to the use of software applications or had independently initiated actions without identifying a common Department-level approach.

Our discussions with Department officials and reviews of supporting documentation also indicated that records management was regarded as a low priority and, as such, had not received the necessary management attention and awareness to facilitate effective program implementation. For example, OCIO officials commented that the office charged with records management program implementation lacked the necessary resources to effectively ensure that the Department's approximately 15,000 Federal employees were aware of relevant requirements. Similarly, the Department's own *2014 Records Management Self-Assessment* indicated that the records management program was not effectively aligned within the Department or sufficiently staffed to monitor the breadth of information systems in use across the agency.

Training and Outreach

The Department had not provided mandatory records management training to users even though it was required to do so by OMB and Department Order 243.1B. OCIO officials stated that training was in development, but deployment had been delayed since 2014 due to technical issues. The expectation was that the training was to have been available by June 2015 but was not being offered

at the time we completed our review. Officials indicated that such training would be mandatory for employees in fiscal year 2015. Absent such training, the Department cannot ensure that employees are knowledgeable of their records management responsibilities. This issue was also identified in the recent Government Accountability Office report on *Additional Actions Are Needed to Meet Requirements of the Managing Government Records Directive* (GAO-15-339, May 2015). Notably, the Office of Environmental Management, National Energy Technology Laboratory, and Oak Ridge Office had provided records management training to employees. However, officials with many of the remaining programs included in our inquiry stated that they were relying on the OCIO to develop and distribute a training session. Our review found that only one-half of the Federal employees we spoke with noted that they had taken some form of records management training. In addition, only 8 of 53 individuals interviewed were aware that it was their responsibility to ensure that records within their email were properly managed.

In late 2014, the OCIO drafted a communication to be sent to all Federal employees to address the use of personal email and communicate the parameters within which such actions would be acceptable. Records management officials indicated that this communication was initiated in response to the passage of the *Presidential and Federal Records Act Amendment of 2014*. However, at the time of our inquiry, the notification was still in draft and had not been approved for issuance. Throughout our inquiry, various Department officials stated that a well-defined records management policy that included specific requirements for email was needed.

Records Management Application

The Department had not implemented software applications designed to help manage the life cycle of electronic records, including identification, retention, and disposition. Although NARA noted that software applications can increase the efficiency and effectiveness of the records management process and will require the use of these applications by the end of 2016, we found that only 1 of the 10 programs and sites reviewed were utilizing dedicated software to manage email records. Many program office officials supported by the OCIO's Energy Information Technology Services commented that it was that group's responsibility to ensure that email records were appropriately identified and archived. However, we found that the OCIO did not have the capability or institutional knowledge to identify records related to the programs' various missions. OCIO officials within the Energy Information Technology Services division confirmed that they provided email services to customers but indicated that records management was not their responsibility. While officials told us that employees generally retained emails according to filing systems that worked best for their individual needs, we noted that such practices were not aligned with NARA requirements and did not easily enable the searching of data across the Department's many users.

In the absence of a records management application, the Department's employees were generally expected to identify and archive email records within the default email application on their computers. In fact, 23 of 53 users interviewed stated that they managed email messages in this manner. While this technique may have benefits, the Department's email applications did not meet Federal requirements for records management because they relied solely on the user for identification and did not prevent the modification and deletion of records. Despite a heavy reliance on this method of management for email records, the Department had not implemented a monitoring

capability to ensure that it was appropriately implemented. The Department's *2014 Records Management Self-Assessment* noted that the agency was unable to ensure that records management functionality was incorporated into its information systems.

To its credit, the Office of Energy Efficiency and Renewable Energy implemented an automated system to capture and archive its email records. Program officials reported that the system was successful in identifying and archiving most records. In addition, the OCIO had initiated actions to enhance its ability to identify and categorize records based on an individual's position. Although officials acknowledged that they were behind schedule in developing an implementation plan for this approach, we believe that efforts such as this should help the Department improve its management of email records.

Path Forward

Without improvements, the Department will be unable to fully meet its records management program requirements to protect all records, including email. In particular, Department officials may not be able to provide assurance that evidence of mission-related business decisions are appropriately captured and maintained. Continued reliance on individual users to store email messages in personal folders on their computers and networks also increases the risk that records will not be appropriately retained. It also significantly increases the difficulty with which information can be retrieved for Freedom of Information Act, litigation, or law enforcement purposes. Increased attention and priority on the activities undertaken by the Department in this area will enable it to meet mandated deadlines to ensure that its historical record is complete.

Of primary concern is the fact that our current inquiry found that almost all of the issues identified during our report on *Follow-up Audit on Retention and Management of the Department of Energy's Electronic Records* in 2010 continued to exist. As such, the Department cannot be assured that appropriate records, including email, were captured during the intervening time period. We continue to encourage the Department to improve its email management processes and have made several recommendations that, if fully implemented, should achieve this goal.

RECOMMENDATIONS

To improve the Department's records management program, we recommend that the Administrator, National Nuclear Security Administration, the Under Secretary for Science and Energy, and the Deputy Under Secretary for Management and Performance, in coordination with the Department and National Nuclear Security Administration Chief Information Officers:

1. Fully implement Federal and Department requirements for records management, to include properly identifying and maintaining email records;
2. Implement a coordinated approach among programs and sites to increase the likelihood that records management activities will be completed successfully, including reevaluating whether records management should be elevated to a higher priority;
3. Ensure that appropriate information and mandatory training related to records management is provided to all employees in a timely manner; and
4. Implement records management software applications, as appropriate, to enhance the efficiency and effectiveness of records management activities, as well as meeting pending Federal requirements.

MANAGEMENT RESPONSE

Management concurred with each of the report's recommendations and indicated that corrective actions had been initiated or were planned to address the identified issues. For instance, management commented that the OCIO's Records Management Office will lead a collaborative effort to implement OMB's requirement for managing the Department's email records in an electronic format. Management also stated that the Records Management Office will develop a policy that provides additional guidance for managing email and will launch records management training as one of the Department's enterprise training offerings for Federal and contractor personnel. Furthermore, management stated that the Records Management Office is working to collaborate with the Department's program office and field site records management teams to identify requirements for software tools that can be used to manage electronic records and support and enterprise-wide capability to the extent possible.

AUDITOR COMMENTS

Management's comments and planned corrective actions were responsive to our recommendations. Management's comments are included in Appendix 3.

OBJECTIVE, SCOPE, AND METHODOLOGY

Objective

To determine whether the Department of Energy (Department) effectively managed its Federal electronic mail (email) records.

Scope

The inquiry was performed between April and September 2015 at Department Headquarters in Washington, DC, and Germantown, Maryland; Oak Ridge National Laboratory Site Office in Oak Ridge, Tennessee; and National Energy Technology Laboratory in Pittsburgh, Pennsylvania. Information was also obtained from the National Nuclear Security Administration Production Office in Amarillo, Texas, and Oak Ridge, Tennessee. The inquiry was limited to a review of the Department's email management processes for Federal employees. The inquiry was conducted under Office of Inspector General project number A15TG034.

Methodology

To accomplish our objective, we:

- Reviewed applicable records management laws and regulations.
- Reviewed applicable standards and guidance issued by the National Archives and Records Administration.
- Reviewed applicable standards and guidance issued by the Department, as well as prior reports issued by the Office of Inspector General and the U.S. Government Accountability Office.
- Interviewed personnel responsible for records management and the maintenance and operation of email infrastructures.
- Interviewed a judgmental sample of Federal employees from each of the program offices included in our review. To select the sample, we obtained a list of all Federal employees from each office reviewed and judgmentally selected individuals from various positions, including senior level officials. These individuals were asked to provide information regarding their understanding of the Department's records and email management requirements and practices.

We believe that the evidence obtained during our review provides a reasonable basis for our findings and conclusions based on our objective. Because our review was limited, it would not have necessarily disclosed all internal control deficiencies that may have existed at the time of our audit. We did not rely on computer-processed data to satisfy our objective.

Management waived an exit conference.

RELATED REPORTS

Office of Inspector General

- Audit Report on [*Follow-up Audit on Retention and Management of the Department of Energy's Electronic Records*](#) (DOE/IG-0838, September 2010). Although officials reported that prior audit findings had been addressed, the audit identified continued weaknesses in the Department of Energy's (Department) ability to retain and manage electronic records. Specifically, none of the sites reviewed had implemented an electronic records management application. Even when sites had initiated such actions, they were not coordinated. The issues identified occurred, at least in part, because Department officials had not ensured that Federal requirements were addressed in policies and guidance; records management was generally considered a low priority in the Department and had not received adequate resources and attention; and employees had not always been trained to identify, preserve, and dispose of electronic records. Without improvements, the Department may be unable to properly identify, store, and dispose of records in an effective manner.

Government Accountability Office

- [*INFORMATION MANAGEMENT: Additional Actions Are Needed to Meet Requirements of the Managing Government Records Directive*](#) (GAO-15-339, May 2015). The 24 Federal agencies reviewed had taken actions toward implementing each of the 7 requirements set forth in the National Archives and Records Administration and Office of Management and Budget directive on managing government records. However, certain requirements were not fully met by some agencies because these agencies were either still working on addressing the requirement or did not view the requirement as mandatory. For example, the Departments of Commerce and Energy were in the process of developing training for staff, and officials from these agencies stated they planned to complete the training by June 2015. Until agencies fully implement the directive requirements, they may not be well-positioned to implement the records management reforms envisioned by the directive.

MANAGEMENT COMMENTS



Department of Energy
Washington, DC 20585

August 20, 2015

MEMORANDUM FOR RICKEY HASS

DEPUTY INSPECTOR GENERAL
FOR AUDITS AND INSPECTIONS
OFFICE OF INSPECTOR GENERAL

FROM:


MICHAEL JOHNSON
CHIEF INFORMATION OFFICER

SUBJECT:

Draft Report, "The Department of Energy's Management of Electronic Mail Records" (A15TG034)

Thank you for the opportunity to comment on the subject draft report. The Department of Energy (DOE or Department) recognizes that the Inspector General's (IG) objective in this review was to determine whether DOE effectively managed Electronic Mail Records. We appreciate the IG's efforts to review our programs.

Recommendation 1: *Fully implement Federal and Department requirements for records management, to include properly identifying and maintaining email records.*

Management Response: Concur.

The Office of the Chief Information Officer (OCIO) concurs with the recommendation. Consistent with relevant policies such as DOE Order 243.1B and OMB M-12-18, the OCIO DOE Records Management (RM) Office will lead a collaborative effort to implement the OMB requirement for managing email records for the Department in an electronic format. With the participation of the Headquarters Program Offices, the Office of the General Counsel, Field Site offices, labs, and plants. The team will be formed to collaborate to enable a consolidated decision on selecting and funding a tool to support the management of the Department's electronic and email records. All efforts will be made to select a common tool for enterprise-wide use, however, some tools are already in use within the Department and may need to remain in the short term. The tool(s) chosen will be used to implement email enterprise records management architecture and a solution using the National Archives and Records Administration (NARA) sponsored CAPSTONE approach.

Estimated Completion Date: 2nd Quarter FY 2017.

Recommendation 2: *Implement a coordinated approach among programs and sites to increase the likelihood that records management activities will be completed successfully, including reevaluating whether records management should be elevated to a higher priority.*

Management Response: Concur.



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The Department's Records Management office will develop a policy that provides additional guidance on using NARA's CAPSTONE approach for managing email. The OCIO has recently hired new senior leadership to take a holistic approach to enterprise records management. The initial focus is outreach to the Headquarters Offices and Field Site offices, as well as the M&Os to assess what is needed to move forward. Once the high-level requirements are identified, we will stand up a cross-department records management team to further assess DOE's records management program. To be successful, this team will include members of the RM teams from Headquarters, the Office of the General Counsel, Field Sites, and M&O locations. The team will work to create an action plan and milestones to improve the overall performance of records management for the Department. Focus will be on internal coordination, policy and guidance, training, outdated and/or unscheduled records, email and electronic records, updating business processes and knowledge management. Subject to available funding, we will deploy an automated tool set to handle electronic and email records. The Department will fund and sustain key initiatives tied to RM; e.g., the technology required to manage CAPSTONE and Electronic Information Systems (EIS), records process management and records program evaluations. In addition, a new escalation process will be established to elevate records management risks, issues and required decisions.

Estimated Completion Date: 2nd Quarter FY 2017.

Recommendation 3: *Ensure that appropriate information and mandatory training related to records management is provided to all employees in a timely manner.*

Management Response: Concur.

DOE RM Program efforts will be launching RM 101 training as a DOE enterprise training offering for Federal and contractor personnel. Receipt of the training package from NARA occurred in May 2015 and a DOE RM Program testing and evaluation effort is underway to ensure the training package meets DOE requirements. The RM team is collaborating with other offices and the field sites on this training to ensure that the enterprise-wide training package addresses Department wide RM policies and practices.

Estimated completion date: 1st Quarter FY 2016.

Recommendation 4: *Implement records management software applications, as appropriate, to enhance the efficiency and effectiveness of records management activities, as well as meeting pending Federal requirements.*

Management Response: Concur.

The DOE RM office is working to collaborate with the Headquarters Offices, and Field Site RM teams to gather input relative to the requirements for software tools to document enterprise applications architecture for managing records and to support an enterprise wide Records Management capability to the extent possible. Using established processes to document requirements, we plan to use our Department RM professionals to collect and socialize these requirements throughout the Department and gather critical criteria for measuring the success of

Attachment 2, Page 3

the effort. Collaboration is essential on the potential solutions that meet the needs of the email service providers and systems owners within the Department. The resulting solution, subject to available resources, will support the management of email, and electronic records.

Estimated completion date: 4th Quarter FY 2016.

If you have any questions regarding this response, please contact me on 202-586-0166

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